

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
AT CORPUS CHRISTI**

CASE NO.: 2:24-cv-00162

IVAN RADIC,

Plaintiff,

v.

TE PROSPERITY INSURANCE AGENCY,
LLC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff IVAN RADIC by and through his undersigned counsel, brings this Complaint against Defendant TE PROSPERITY INSURANCE AGENCY, LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff IVAN RADIC (“Radic”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Radic’s original copyrighted Work of authorship.
2. Radic has been a professional photographer since 2017. Radic works with many different clients and focuses on different styles of photography.
3. Defendant TE PROSPERITY INSURANCE AGENCY, LLC (“TE”) is an independent insurance agency that offers home, auto and business insurance. At all times relevant herein, TE owned the Facebook Page “TE Prosperity Insurance Agency LLC” located at

the internet URL www.facebook.com/profile.php?id=100063456943735 (the “TE Facebook Page”).

4. Radic alleges that Defendant copied Radic’s copyrighted Work from the internet in order to advertise, market and promote its business activities. TE committed the violations alleged in connection with Defendant’s business for purposes of advertising and promoting sales to the public in the course and scope of the TE’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Texas.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, TE engaged in infringement in this district, TE resides in this district, and TE is subject to personal jurisdiction in this district.

DEFENDANT

9. TE Prosperity Insurance Agency, LLC is a Texas Limited Liability Company, with its principal place of business at 601 East Main Street, Suite 150, Alice, Texas, 78333, and can be served by serving its Registered Agent, Elida S. Ramirez, at the same address.

THE COPYRIGHTED WORK AT ISSUE

10. In 2019, Radic created the photograph entitled “A young woman in a red jacket driving a car,” which is shown below and referred to herein as the “Work”.



11. Radic registered the Work with the Register of Copyrights on January 12, 2021, as a group registration. The group registration was assigned registration number VA 2-239-707. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Radic's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

13. At all relevant times, Radic was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY TE

14. TE has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created but before the filing of this action, TE copied the Work.

16. On or about September 14, 2022, Radic discovered the unauthorized use of his Work on the TE Facebook Page in a post dated on or about August 22, 2022.

17. TE copied Radic's copyrighted Work without Radic's permission.

18. After TE copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its insurance business.

19. TE copied and distributed Radic's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Radic's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

21. TE committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Radic never gave Defendant permission or authority to copy, distribute, or display the Work at issue in this case.

23. Radic notified TE of the allegations set forth herein on March 28, 2024, and April 18, 2024. To date, the parties have failed to resolve this matter.

COPYRIGHT INFRINGEMENT

24. Radic incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Radic owns a valid copyright in the Work at issue in this case.

26. Radic registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. TE copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Radic's authorization in violation of 17 U.S.C. § 501.

28. TE performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.

30. Radic has been damaged.

31. The harm caused to Radic has been irreparable.

WHEREFORE, Plaintiff IVAN RADIC prays for judgment against Defendant TE PROSPERITY INSURANCE AGENCY, LLC that:

a. TE and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. TE be required to pay Radic his actual damages and Defendant's profits attributable to the infringement, or, at Radic's election, statutory damages, as provided in 17 U.S.C. § 504

c. Radic be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Radic be awarded pre- and post-judgment interest; and

e. Radic be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Radic hereby demands a trial by jury of all issues so triable.

Dated: July 18, 2024

Respectfully submitted,

/s/ Sangheon Han
SANGHEON HAN

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